



Agenda Item No.:	3	Date:	March 18, 2008
Briefing No.:	2008-B0058	Prepared by:	Kendall Moore Beth Mountsier
Attending:	Paul Reitenbach, DDES Harry Reinert, DDES		

(substantive revisions shown in italics and underlining)

The Growth Management Act (“GMA”) requires coordinated planning so that the services required by commercial and residential development are available as growth and demand occurs. King County provides services such as regional wastewater treatment, regional solid waste management, and local stormwater management.¹ Chapter 8 contains policies that guide service provision and coordination, and this staff report reviews proposed policy and code revisions relating to those services.

- revising existing policy that when siting public facilities will consider equity and environmental justice. Policy F-221.
- proposal to allow septic systems for short subdivisions (9 lots or less) located in the UGA and adjacent to the Urban Growth Boundary (“UGB”) under limited circumstances. Policy F-245b.
- encouraging low impact development to manage stormwater. Policy F262a
- new state-mandated stormwater discharge limitations. Code revision (Best Management Practices).
- drainage review when **replacing** impervious surface over 2,000 sf. Code revision

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Overview of Pertinent Chapter Sections and Issues:

Section I. Regional Services (p. 8-2): These policies reinforce the role of the County as a regional service provider for certain services and call for coordination with special purpose districts and/or local service providers as “partners” for the purposes of planning and service delivery. There is one technical amendment in policy F-103 which clarifies King County’s regional service provision for “Regional Wastewater collection and treatment, and reclamation.” Additionally, in this policy and throughout the chapter, references to the flood plan have been updated to reflect the current language of “flood hazard management.”

Issues: None

Code Changes: None

Section II. Facilities and Services

Subsections A – G (pp. 8-3-6): Policies in these subsections address:

- A. Providing a Spectrum of Services
- B. Urban and Rural Services
- C. Identify Needs for Facilities and Services
- D. Capital Facility Planning
- E. Addressing Service Deficiencies
- F. Financing Strategies
- G. Essential Public Facilities

These policies largely speak to the need to coordinate planning and funding activities with regard to the provision of services in Urban and Rural Areas of the County. The emphasis is still on the prioritization of services for Urban Areas but with an adequate level of service in Urban and Rural Areas, with appropriate Rural Area services that do not facilitate urbanization.

There are a small number of grammatical and clarifying amendments. Additionally, F-205 at page 8-3 has been amended to include as a benefit, of the County encouraging other public and private service providers sharing or reusing facilities, the reduction of greenhouse gasses (“GHGs”).

F-221 - At page 8-6, the proposed modification to existing policy F-221 would require the County to consider “equity, environmental (~~equity~~) justice and environmental, economic, technical and service area factors,” when siting essential public facilities. Currently, the policy already provides that the siting of such facilities should be equitable “so that no racial, cultural, or socio-economic group is unduly impacted by essential public facility siting or expansion decisions.” As with previous equity policies already discussed, how, or by what tool, the County will implement this “equity” consideration is not yet developed.

All other policy amendments are by and large “technical” clarifications.

Code Changes: None

Section II. Facilities and Services

Subsection H (p. 8-7-14): Water Supply - This area of services is expected to be addressed at the April 15, 2008 GMNR meeting. Staff briefly notes the added and repeated references to “reclaimed water” – which is highly treated wastewater effluent – as part of the water supply planning efforts.

Section II. Facilities and Services

Subsection I (p. 8-14-16): Public Sewers and On-Site Wastewater Treatment and Disposal Systems - The introduction to this section of policy has been substantively updated or amended to provide additional clarification regarding King County’s regional role as the provider of wastewater treatment services. The introduction now references and explains the role of the 1999 adoption of the Regional Wastewater Services Plan (“RWSP”) as the policy document guiding projects and programs that will provide sufficient capacity for treatment and conveyance of wastewater through 2030 and some of the underlying design standards and expectations for the system. This is a more comprehensive and better explanation of the RWSP than what exists in the current Comprehensive Plan.

The policies in this section address the County’s long-standing philosophy regarding sewer service in the Urban and Rural Areas of unincorporated King County: that is – all new development in urban King County is to be served by public sewer (except under certain limited conditions); and sewer expansion in Rural Areas is prohibited – except for “tightlined” conveyance facilities to public schools.

F-245b – found at page 8-15, this new policy would allow an additional exception to the requirement of public sewer in Urban Areas. Currently, the only exception is for a single-family residence where application of the sewer would deny all reasonable use of the property. In other words, if there is no timely, nor reasonable expectation of public sewer service being available for development of a single lot with a single family residence – the new single family residence may utilize a septic system or drainfield for wastewater treatment.

The proposed amendment to F-245 would add a subpart (b), allowing a short subdivision (9 lots or less) that is immediately adjacent to the UGB, to utilize an individual or a community drainfield if sewer service is not available in a “timely or reasonable manner as determined by the Utility Technical Review Committee [UTRC].” However, the policy requires that “these on-site systems **shall be managed** by the sewer utility whose service area encompasses the proposed short subdivision” and shall meet all state and county approval requirements. Additionally, if the short plat as proposed does not meet minimum density requirements of the zoning, the subdivision planning shall indicate how additional lots will be located, should sewer become available in the future.

Issues:

1. The intent of the policy amendment is to provide relief for short subdivisions (similar to the single family exception) – but only for those properties/subdivisions that are immediately adjacent to the UGB. Currently all urban subdivision proposals can only be approved with concurrent availability of public sewer service. This proposal would create an exception, but limited to only those properties that abut the UGB and for which the UTRC has made a determination that sewers will not be available in a reasonable time. Currently Executive staff are aware of one development that meets the geographical condition of this policy and have been informed that extending sewers to the proposed development is highly problematic, if not impossible. Executive staff have indicated that use of this proposed policy would be limited.
2. The remaining condition, that the sewer utility provider for that area manage the on-site septic/drainfield system, may have the unintended consequence of rendering this policy ineffectual.

Executive staff were unaware if any sewer utility would be willing to manage an on-site system. Staff recommends further research regarding whether requiring professional management by private entities and/or some other standard of review or on-going maintenance to ensure proper maintenance could be an alternative. Continued maintenance and monitoring, particularly in what may be environmentally sensitive areas along the urban/rural growth boundary, should be required. However, if no local sewer utility is willing to perform this service, then as written, this proposed exception could not be used.

Code Changes: Policy amendment to F-245 requires code changes in Title 13. See Proposed Ordinance 2008-0126, Section 9 at pages 10-11.

Other code changes not driven by policy include further clarification of the Utilities Technical Review Committee (“UTRC”) – additional discussion of this will follow in the briefing regarding Water Supply.

Section II. Facilities and Services

Subsection J (p. 8-16): Solid Waste - Responsibility for management of solid wastes generated by unincorporated area residents and businesses is shared by the waste haulers certified by the Washington Utilities and Transportation Commission and the King County Solid Waste Division. There are no proposed amendments to the four policies that address solid waste management. King County’s regional responsibilities as provider of regional collection, transfer and disposal of wastes in King County are addressed the Solid Waste Management Comprehensive Plan. This plan is currently in the process of being updated and will be reviewed for consistency with the updates made this year to the Comprehensive Plan.

Issues: Staff would note that local service provision for unincorporated area residents of King County is largely driven by state law. However, levels of service for

unincorporated areas are established by Code. Currently the Code doesn't specifically address levels of service in the event of a major storm or emergency. Local haulers have been responsive to ad-hoc requests (from the Executive and Council members) to provide specific types of services for storm debris collection and pick-up and other solid waste issues following emergencies. However the Council's intent or expectations for levels of service in these situations may merit the addition of a policy in the Comprehensive Plan and a Code amendment to address levels of service. Additional research is recommended.

Code Changes: None

Section II. Facilities and Services

Subsection K (p. 8-16-18): Surface Water Management - Policies in this section cover surface water management activities to address both the quantity and quality of water entering the natural environment. Urban Areas are largely covered with impervious surfaces (e.g., buildings, streets, parking lots) that cause increased runoff and are a source of pollutants typically via the stormwater system.

Policies regarding the management of surface water in Rural Area seek to address the potential adverse impacts of land clearing and impervious surface as well as forestry, agricultural, and livestock practices.

Policies and specific Code provisions address prevention or mitigation of flooding, erosion, sedimentation, and water quality and habitat degradation in both the built and natural environments.

At page 8-17, the Executive has included new narrative text at this section's introduction regarding King County's intent to "continue to be a leader in developing and implementing state-of-the-art stormwater management techniques including low impact development (LID)" and posits that "LID is becoming increasingly important in meeting the challenge of protecting declining and federally protected aquatic species, meeting the requirements of the Municipal National Pollution Discharge Elimination System Permit, mitigating climate change, and in doing our part to protect and restore Puget Sound." LID are on-site stormwater control methods that strive to disperse and/or infiltrate all stormwater generated on a site, thereby reducing or eliminating run-off into the County's stormwater collection system.

F-262a - this commitment to LID is re-iterated through this new policy at page 8-17: "King County shall continue to encourage, support and require the use of low impact development as a part of its strategy to mitigate stormwater impacts from new development to the maximum extent practicable, as discussed in policies U-607, U-608, U-609 and R-233". The policies referred to address land development in the Urban and Rural Chapters of the Comprehensive Plan.

Stormwater quality and its effect are also addressed in Chapter 4 (Environment) in the narrative and policy **E-420** (previously numbered E-130) found at page 4-25. That

policy acknowledges the need for stormwater controls for lands outside the Urban Areas that favor non-structural control measures. The amendments to this policy are more clarifying than substantive.

F-264 – found at page 8-18, the proposed amendment to this policy makes it clearer that the County **shall** work with local jurisdictions to transfer storm and surface water management facilities upon annexation or incorporation.

Issues: None

Code Changes: Though there are no significant policy changes within Chapter 8 regarding surface water or stormwater management, there are, however, significant Code changes driven the Washington State Department of Ecology’s (“DOE”) issuance of a Phase I NPDES (National Pollution Discharge Elimination System) permit for King County,

Best Management Practices - DOE has significantly increased the standards and expectations for the quality of stormwater that is discharged into the natural environment. While these water quality standards are currently under legal challenge by local agencies statewide, nevertheless DOE is requiring compliance with its revised list of allowable discharges and/or exemptions for discharges of waters or other materials **into** local stormwater systems. Compliance with the Phase I permit requires that all local jurisdictions to evaluate, and if necessary update, existing ordinances or other regulatory mechanisms to effectively prohibit non-stormwater, illegal discharges, and/or dumping” into a municipal separate storm sewer system. King County has received correspondence from DOE that King County’s existing code language is “not consistent with the permit requirements and must be updated accordingly by August 16, 2008 in order to comply with the subject permit condition.” Specifically, the “code will need to be updated with respect to prohibited and allowed discharges” to the stormwater system. See Attachment 2. For King County, this means meeting DOE’s Western Washington Surface Water Design Manual standards.

Because of these state-driven changes to water quality standards, the Executive is proposing a number of substantive changes or amendments to Title 9 of the King County Code. The amendment with the most impact is in Section 4 of Proposed Ordinance 2008-0125 regarding the required application of best management practices (“BMPs”) “for any business or residential activity that **might** result in prohibited discharges as specified in the [the County’s] Stormwater Pollution Prevention Manual or as determined necessary by the director.” Included in the proposed Code revision is a list of activities now under scrutiny as possible causes of prohibited discharges. See page 23 of proposed Ordinance.² The list includes but is not limited to the following:

1. Potable water line flushing;
2. Lawn watering with potable water;
3. Dust control with potable water;
4. Pavement and building washing;

² Using the version of the proposed Ordinance in the members’ binder.

5. Swimming pool and hot tub maintenance;
6. Auto repair and maintenance;
7. Building repair and maintenance;
8. Landscape maintenance;
9. Hazardous waste handling;
10. Solid and food waste handling;
11. Application of pesticides.

Elsewhere in the Code (KCC 9.12.025), discharge of contaminants related to these activities were already prohibited; *but* now these specific activities are, by their very nature, suspect of causing prohibited discharges. While the County has developed some BMPs educating residential citizens how to avoid prohibited discharges associated with these activities, BMPs have not been developed for all.³ Executive staff reported that the Water and Land Resources Division is working on drafts for the missing activities. However, it begs the question of how the County can enforce this code change until BMPs are promulgated so that citizens know the limitations associated with these activities.

Drainage Review Now Required for replacement of Impervious Surface - Found at page 13 of Proposed Ordinance 2008-0125 (Section 2) is another amendment to the County's stormwater code provisions driven by state requirements. Under the terms of this amendment, a "drainage review"⁴ will be required for projects that install new impervious surface, "**replace** impervious surface or new plus replaced impervious surface" equaling 2,000 square feet or more. Previously, a drainage review was only required for new impervious surface, but not when merely replacing an existing impervious surface of 2,000 sf or less.

Other - Unrelated to state regulations, at Section 6 of Proposed Ordinance 2008-0125, page 30, there is a proposed amendment to formalize what is the standard practice to allow the director to negotiate reduction in penalties in exchange for compliance where there are code violations related to water quality standards.

Finally, Section 7 of the Proposed Ordinance, also found on page 30, adds a finding by the King County Council that the "requirements for environmental analysis, protections and mitigation measures in the chapter of KCC Title 9 amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply." The effect of this "finding" would be to allow

³ A review of the County's web version of its Stormwater Pollution Prevention Manual reveals that for residential activities, there are BMPs for only the following: Automobile and Boat Washing; Storage of Solid and Food Wastes; Automobile Repair and Maintenance; Hazardous Waste Use, Storage, and Disposal; Gardening and Lawn Care; Maintenance and Repairs; and Swimming Pool and Hot Tub Maintenance.

⁴ Defined at page 4 of Proposed Ordinance 2008-0125 to mean: "an evaluation by King County staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual. The types of drainage review include: Small project drainage review, targeted drainage review, full drainage review and large project drainage review."

compliance with SEPA via compliance with Title 9, versus requiring additional environmental assessments and mitigation. It basically acknowledges that the provisions and regulations of Title 9 are sufficient to provide mitigation – and thereby result in no determination of “adverse impact” if a project adheres to Title 9.

ATTACHMENTS:

1. Matrix of all policies and policy amendments, rationale and/or comment related to wastewater, solid waste and surface water management.
2. 9/5/07 correspondence from WLRD to DOE and 11/13/07 DOE responding letter

KING COUNTY COMPREHENSIVE PLAN 2008
Chapter Eight – Services, Facilities and Utilities

Amended and New Policies in 2008 Comp Plan	Executive Rationale for Change or Addition of Policy	Staff Comment
<p>F-103 King County will provide or manage countywide services which include but are not limited to:</p> <ul style="list-style-type: none"> a. Transit; b. Economic development; c. Harborview Hospital; d. Public health; e. Regional park, trails and open space systems; f. ((Waste water collection and treatment)) <u>Regional wastewater collection and treatment, and reclamation;</u> g. Solid waste management and recycling; h. Hazardous waste management; i. Water resource management; j. Surface water management; k. Flood warning and flood((plain)) <u>hazard</u> management; l. Protection and preservation of natural resource lands; m. Regional Arterial Network (RAN) and freight mobility; and n. Affordable housing. 	<p>To reflect King County's role as a regional wastewater treatment agency that carries out collection, treatment, and reclamation of wastewater and its byproducts.</p> <p>To change floodplain management to flood hazard management to be consistent with the Council adopted Flood Hazard Management Plan.</p>	<p>Technical amendment</p> <p>Updates text to reflect what King County's role as a regional wastewater treatment agency</p> <p>Ensures language consistency.</p> <p>No related code change</p>
<p>F-202 King County should seek to create quality communities by defining the needs and proposing strategies for a full range of public facilities and services, including physical infrastructure and health, human and public safety services. King County should ensure that there is an adequate supply of public facilities necessary to support <u>all</u> communities.</p>	<p>Amendment emphasizes that all communities should have an adequate supply of public facilities.</p>	<p>Technical amendment - clarifying amendment.</p>
<p>F-205 Public and private community service providers should be encouraged to share or reuse facilities when appropriate((;)) to reduce costs, conserve land and provide convenience, <u>access and amenity for the public and to reduce the generation of greenhouse gasses.</u> Joint siting and shared use of facilities should be encouraged for schools, community centers, health facilities, cultural facilities, libraries, swimming pools and other social and recreational facilities.</p>	<p>New Policy Initiative</p>	<p>Substantive amendment – intended to implement Executive Order – and proposed Comp Plan Framework Policy.</p> <p>No related code change</p>

KING COUNTY COMPREHENSIVE PLAN 2008
Chapter Eight – Services, Facilities and Utilities

Amended and New Policies in 2008 Comp Plan	Executive Rationale for Change or Addition of Policy	Staff Comment
F-208 The capital facility plans and capital improvement programs prepared by all other agencies (which) <u>that</u> provide services to unincorporated areas of the county should be consistent with the King County Comprehensive Plan.	Grammatical correction.	Technical No related code change
F-209 To reduce overall public costs, noise, <u>climate change impacts</u> and disruption to the local area during construction, installation of new or maintenance of existing utility facilities should be timed and coordinated with other projects that utilize public rights-of-way(s) and easements, where possible.	New Policy Initiative	Substantive amendment – intended to implement Executive Order – and proposed Comp Plan Framework Policy. No related code change
F-212 School districts (which) <u>that</u> choose to have the county collect impact fees for them, and water and sewer utilities that provide their services to unincorporated King County, shall prepare capital facility plans consistent with requirements of the Growth Management Act and King County Code.	Grammatical correction.	Technical amendment No related code change
F-213 Provision of an adequate supply of kindergarten through twelfth grade (K-12) public schools and K-12 public school facilities is essential to avoid overcrowding and to enhance the educational opportunities for our children. King County shall adopt regulations (which) <u>that</u> are supportive of the permitting of K-12 public schools and K-12 facilities.	Grammatical correction.	Technical amendment No related code change
F-221 King County should strive to site essential public facilities equitably so that no racial, cultural, or socio-economic group is unduly impacted by essential public facility siting or expansion decisions. No single community should absorb an inequitable share of these facilities and their impacts. Siting should consider <u>equity</u> , environmental (equity) <u>justice</u> and environmental, economic, technical and service area factors. The net impact of siting new essential public facilities should be weighted against the net impact of expansion of existing essential public facilities, with appropriate buffering and mitigation. Essential public facilities that directly serve the public beyond their general vicinity shall be discouraged from locating in the Rural Area.	Changes terminology to reflect current usage.	Possibly substantive – underscores proposed Comp Plan Framework Policy regarding social equity. No related code change

KING COUNTY COMPREHENSIVE PLAN 2008
Chapter Eight – Services, Facilities and Utilities

Amended and New Policies in 2008 Plan Comp	Executive Rationale for Change or Addition of Policy	Staff Comment
F-224 King County supports coordination of regional water supply planning, sales of excess water supplies among municipalities in the region, water quality programs and water conservation, ((and)) reuse <u>and reclaimed water</u> programs.	Adds reclaimed water to the list of water policy issues the County will work with municipalities on.	Technical amendment – notes existing wastewater treatment program that overlaps with water supply planning. No related code change
F-225 – F-244 are Water Supply policies		Policies will be addressed in another briefing.
F-245 In the Urban Growth Area, all new development shall be served by Public sewers unless: <u>a. Application of this policy to a proposal for a single- family residence on an individual lot would deny all reasonable use of the property((-)); or</u> <u>b. Sewer service is not available for a proposed short subdivision of urban property that is adjacent to the Urban Growth Area boundary in a timely or reasonable manner as determined by the Utility Technical Review Committee. These on-site systems shall be managed by the sewer utility whose service area encompasses the proposed short subdivision or the provider most likely to serve the area and shall meet all state and county approval requirements. The approved short subdivision shall indicate how additional lots to satisfy the minimum density requirements of the zoning will be located on the subject property in case sewers become available in the future. There shall be no further subdivision of lots created under this policy unless served by public sewers.</u>	Authorizes limited use of on-site systems where sewer service is not available in a “timely or reasonable manner”.	Substantive amendment – adds an exemption for use of septic or drainage field within the Urban Growth Boundary for short subdivision, adjacent to the Urban Growth Boundary – when determined by the UTRC. Limited circumstances under which available; likely to affect only one or two areas in the County. Requires code amendments to Title 13. Proposed Ordinance 2008-0126, Section 9.
F-247 City-owned parks that are redesignated from ((R)) Rural to ((U)) Urban to allow future annexation by a city and that are subsequently served by public sewers shall be tightlined. This policy applies to parks that were redesignated from ((R)) Rural to ((U)) Urban on or after September 20, 2004.	Minor edit for capitalization consistency.	Technical amendment No related code change

KING COUNTY COMPREHENSIVE PLAN 2008
Chapter Eight – Services, Facilities and Utilities

Amended and New Policies in 2008 Plan Comp	Executive Rationale for Change or Addition of Policy	Staff Comment
<p>F-249 Public sewer expansions shall not occur in the Rural Area ((and)) or on ((Natural)) Resource Lands, except where needed to address specific health and safety problems threatening the existing uses of structures or the needs of public schools or public school facilities. Public sewers may be extended, pursuant to this policy, only if they are tightlined and only after a finding is made by King County that no reasonable alternative technologies are technologically or economically feasible. Utility providers shall ensure, through a signed agreement between the school district and the utility provider, that any sewer service permitted for the school district is designed only to serve public schools or public school facilities. Public sewers which are allowed in the Rural Area or on ((Natural)) Resource Lands pursuant to this policy shall not be used to convert Rural Area land or ((Natural)) Resource Lands to urban uses and densities or to expand permitted nonresidential uses.</p>	<p>Minor edits for consistency.</p>	<p>Technical amendment</p> <p>No related code change</p>
<p>F-251 On-site wastewater treatment systems in the Rural Area and ((Natural)) Resource Lands should be designed, built and operated as permanent methods of sewage disposal.</p>	<p>Minor edit for consistency.</p>	<p>Technical amendment</p> <p>No related code change</p>
<p>F-253 Collective on-site systems may be used only in the following circumstances in the Rural Area and ((Natural)) Resource Lands:</p> <ul style="list-style-type: none"> a. Existing on-site systems are failing within an area and the Seattle/King County Department of Public Health concurs that long-term individual on-site system repairs are not feasible and/or water quality is threatened by the presence of or potential for health hazards resulting from inadequate on-site wastewater disposal methods; b. An authorized public agency will manage the community system; and c. The community system is designed only to serve existing structures and lots and cannot be used as a basis to increase density or to expand permitted nonresidential uses. Substandard vacant lots must be combined to the extent feasible to meet rural density policies. Management of the community system must be by an authorized public agency. 	<p>Minor edit for consistency.</p>	<p>Technical amendment</p> <p>No related code change</p>

KING COUNTY COMPREHENSIVE PLAN 2008
Chapter Eight – Services, Facilities and Utilities

Amended and New Policies in 2008 Comp Plan	Executive Rationale for Change or Addition of Policy	Staff Comment
<p>F-260 In the Rural Area, King County shall minimize the use of constructed facilities for surface water management and maximize the use of natural systems, provided that the ecological functions of the natural systems are not harmed. The county should provide incentives to keep these natural systems intact. Natural systems are also preferred in the Urban Growth Area, but it is recognized that structural systems will be needed to realize urban growth and density goals. King County will plan and manage surface waters on a watershed basis pursuant to Policies E-((423))440 through E-((429))442, E-478, E-479 and the Shoreline Management Program Policies in Chapter 5. To accomplish this goal, water should not be diverted from one watershed into another, nor from one drainage basin into another, unless no other reasonable alternative is available for managing surface water run-off within the same watershed and drainage basin. Where such diversions are permitted, King County will require such environmental analysis and mitigation as is needed to protect surface water resources from significant adverse impacts.</p>	<p>Corrects references to related Policies in other chapters of the Comprehensive Plan</p>	<p>Technical amendment – suggested by Executive and Council staff.</p> <p>This amendment currently not in the Executive transmitted Comp Plan amendments.</p> <p>No related code change.</p>
<p><u>F-262a</u> King County shall continue to encourage, support and require the use of Low Impact Development as a part of its strategy to mitigate stormwater impacts from new development to the maximum extent practicable, as discussed in Policies U-607, U-608, U-609 and R-233.</p>	<p>New policy mirroring policies in Urban and Rural Chapters supporting low impact site development and building techniques designed to reduce stormwater runoff.</p>	<p>Possibly substantive amendment – drives or is related to policies in Urban and Rural chapters regarding land development and regulations regarding grading/clearing and development standards. Changes King County from “encouraging” to “requiring” low impact development.</p> <p>Code changes to be discussed as part of review of Urban and Rural policy amendments.</p>

KING COUNTY COMPREHENSIVE PLAN 2008
Chapter Eight – Services, Facilities and Utilities

Amended and New Policies in 2008 Comp Plan	Executive Rationale for Change or Addition of Policy	Staff Comment
<p>F-264 King County ((should)) shall work with jurisdictions to ensure that ((identify and agree upon regional and local storm and surface water management responsibilities and agree on the division of)) storm and surface water management facilities are transferred from King County to the local jurisdiction that annexes or incorporates that portion of King County ((service provision)).</p>	<p>Consistent with Annexation Initiative, jurisdictions annexing unincorporated areas should take over management of storm/surface water facilities.</p>	<p>Possibly substantive amendment - requires KC to transfer surface water management facilities (although current policy speaks to same goal).</p> <p>No related code change</p>
<p>Policies F-265 – F-269 address Floodplain Management</p>		<p>Policies will be addressed in a separate briefing.</p>



King County

Water and Land Resources Division

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FILE

September 5, 2007

Rachel McCrea
Municipal Stormwater Specialist
Washington State Department of Ecology
Northwest Regional Office
3190 – 160th Avenue Southeast
Bellevue, WA 98008

Dear Ms. McCrea:

This letter is to follow up on discussions my staff and I have had with you regarding potential changes to King County Code due to language in the current 2007 National Pollutant Discharge Elimination System (NPDES) Phase I General Municipal Stormwater Permit.

The specific portion of the permit in question is S5.C.8 Illicit Connections and Illicit Discharge Detection and Elimination. S5.C.8bii. states that Permittees must update ordinances to prohibit non-stormwater discharges. The permit implies, yet is silent, that residential car washing must be a prohibited discharge.

King County Code (KCC) 9.12 (Water Quality) specifically lists residential car and boat washing as a type of discharge that is not prohibited unless the director determines on a case-by-case basis that such discharge is causing significant contamination (KCC 9.12.025 B.5 "Residential car and boat washing"). In 2004, we attempted to remove residential car washing from the list of discharge types considered not to be prohibited in KCC 9.12; however, the King County Council did not agree to the revision. There are members of the Council who oppose making car wash discharges illegal because it has the appearance of impinging on personal freedoms without gaining much in the way of environmental protection due to the impracticality of effectively policing such discharges on millions of properties Countywide. They feel a more effective and desirable approach would be to educate the public on the impacts of car washing and how to mitigate them through the use of simple Best Management Practices (BMPs). Incentives to use commercial car washes could also be part of this education approach.

As the co-chair of the Regional Public Outreach forum, King County has made car washing issues a priority for developing a regional public outreach campaign. We feel a unified campaign on car washing, using technical assistance and education, would meet the intent of

the permit. We would like to know if the existing code language is acceptable to Ecology if such a campaign were launched by the Regional Public Outreach forum or King County on its own.

If Ecology feels we must again attempt to convince the Council that residential car wash discharges need to be explicitly identified as prohibited in order to comply with the current NPDES Municipal Permit, we would request that this be confirmed with Ecology's upper management and so stated in your reply letter. We would also request Ecology's participation in Council meetings to explain why this code change is imperative versus a more effective education approach.

As code updates need to be made within 18 months of the effective date of the permit, we need to start crafting language as soon as possible if Ecology feels a code change is imperative. Therefore, a quick response would be greatly appreciated.

Sincerely,



Curt Crawford, P.E.
Stormwater Services Section Manager

CC:SC:bgD16

cc: Luanne Coachman, NPDES Manager, Stormwater Services Section, Water and Land Resources Division (WLRD), Department of Natural Resources and Parks (DNRP)
Susan Clarke, Senior Engineer, Water Quality Specialist, Stormwater Services Section, WLRD, DNRP



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DEPARTMENT OF ECOLOGY

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November 13, 2007

Curt Crawford
Stormwater Services Section Manager
King County Water and Land Resources Division
201 South Jackson St., Suite 600
Seattle, WA 98104-3855

RE: Non-stormwater Discharge Prohibition Requirement under the Phase I Municipal Stormwater Permit (WAR04-4501)

Dear Mr. Crawford,

Thank you for your letter, dated September 5, 2007, which documents King County's concerns regarding residential car washing and how it is addressed in the County's existing water quality code (KCC 9.12). The following information is provided in response to your letter.

As you know, the Phase I Municipal Stormwater Permit (S5.C.8.ii) requires King County to "evaluate, and if necessary update, existing ordinances or other regulatory mechanisms to effectively prohibit non-stormwater, illegal discharges, and/or dumping" into the municipal separate storm sewer system (MS4). This permit condition goes on to list specific categories of discharges that do not need to be prohibited as well as specific categories of discharges that *shall* be prohibited unless certain conditions are met. Based upon my review of KCC 9.12, the existing KCC language is not consistent with the permit requirements and must be updated accordingly by August 16, 2008 in order to comply with the subject permit condition.

For example, discharge types which shall be prohibited [permit condition S5.C.8.ii(2)] include discharges from potable water sources, including water line flushing, and discharges from lawn watering. Currently, these non-stormwater discharges are listed in KCC 9.12.025(B) as *not prohibited*. This code will need to be updated with respect to prohibited and allowed discharges to the County's MS4.



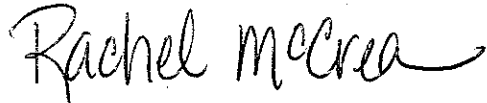
As you know, residential car and boat washing is also currently *not prohibited* by KCC 9.12. This is inconsistent with the Phase I Municipal Stormwater Permit, is internally inconsistent with KCC 9.12, and is contradictory to public outreach campaign efforts.

- The Phase I Municipal Stormwater Permit does not require that local governments explicitly identify all prohibited discharges and contaminants. It does require that all non-stormwater discharges to the MS4, except those specifically listed in [S5.C.8.ii(1)], be prohibited. In addition, the discharges listed in S5.C.8.ii(2) could be considered conditionally allowed if the specified criteria are met. Potentially, the structure of KCC 9.12 could be revised to avoid the problem of explicitly identifying residential car washing on a list of prohibited (or allowed) discharges to the MS4.
- KCC 9.12 is internally inconsistent because it currently allows residential car and boat washing discharges while at the same time prohibiting the discharge of contaminants that are found in residential car wash effluent (petroleum products, metals, soaps).
- Public education and outreach campaigns conducted in accordance with the Phase I Municipal Stormwater Permit are required to address “vehicle maintenance” and “use of car wash soaps” topics for the general public. Ecology applauds King County’s effort to take a leadership role in developing a smart and permit-compliant regional public education and behavior change campaign. Having residential car washing listed as an allowed discharge to the MS4 does, however, send a contradictory message to the public and may be counterproductive for encouraging behavior change.

Perhaps, with changes to the County’s water quality code that aligns it with permit requirements, the concerns held by the King County Council regarding residential car and boat washing [and possibly other non-stormwater discharges listed in KCC 9.12.025(B)] could be adequately addressed by a thoughtful investigation/response/enforcement policy that promotes technical assistance and education for certain types of non-stormwater discharges to the MS4. As you know, residential vehicle washing in and of itself is not the prohibited activity; instead it is the discharge of residential vehicle wash effluent to the MS4 which is subject to prohibition under the municipal stormwater permits.

Per your request, I have confirmed this response with Kevin Fitzpatrick, Section Manager for the Northwest Regional Office (NWRO) Water Quality Program. Please feel free to contact me to discuss this information or brainstorm possible solutions. Of course Ecology would be happy to participate in Council meetings to describe the permit requirements and how they relate to residential car wash discharges to the MS4. Thank you for your efforts to improve stormwater management.

Sincerely,

A handwritten signature in black ink that reads "Rachel McCrea". The signature is written in a cursive, flowing style.

Rachel McCrea
Municipal Stormwater Specialist
Department of Ecology NWRO

cc: Kevin Fitzpatrick, Water Quality Section Manager, Dept. of Ecology NWRO
permit file